

REMARKS

Claims 1-23 were originally filed in the present application.

Claims 1-23 are pending in the present application.

Claims 1-23 were rejected in the August 23, 2007 Office Action.

Claims 1, 4, 7, 9-11, 13, 16, 19, 21-23 were objected to in the August 23, 2007 Office Action.

No claims have been allowed.

Claims 1, 4, 10, 13 and 22 are amended herein.

Claims 1-23 remain in the present application.

Reconsideration of the claims is respectfully requested.

CLAIM OBJECTIONS

In Section 1 of the August 23, 2007 Office Action, the Examiner objected to Claims 1, 4, 7, 9-11, 13, 19, 21 and 23 because the acronym "IP" is not defined. In response, the Applicant has amended independent Claims 1 and 13 to recite "on a local Internet Protocol (IP) network." The Applicant respectfully requests that the Examiner withdraw the objection.

In Section 2 of the August 23, 2007 Office Action, the Examiner rejected Claims 4 and 16 because the acronym "CM" is not defined. The Applicant respectfully submits that the CM Service Request message is common to the CDMA protocol (see e.g., Release C of cdma2000) and is well-known by a person of skill in the art of CDMA wireless communication networks. The acronym "CM" is attributed various meanings by those of skill in the art—for example, Connection

Management (see e.g., U.S. Patent Application Publication No. 2003/0063584), Communication Management (see e.g., U.S. Patent No. 6,314,292), and Configuration Management (see e.g., U.S. Patent No. 6,597,920). However, to accommodate the Examiner and expedite examination, the Applicant has amended paragraph [0038] to explicitly state what a person of skill in the art would understand the phrase “CM service request message” to refer to. No new matter is introduced by the amendment to the specification. Thus, the recitation in Claims 4 and 16 of “a CM Service Request message” refers to the defined message in the CDMA protocol, regardless of the individual interpretation of the acronym “CM.” As such, the Applicant respectfully requests that the Examiner withdraw the objection.

In Section 3 of the August 23, 2007 Office Action, the Examiner rejected Claims 10 and 22 “because the limitation ‘an Assignment Request message containing said IP address of said second base station said mobile identifier value’ does not make sense.” In response, the Applicant has amended Claims 10 and 22 to recite ‘an Assignment Request message containing said IP address of said second base station and said mobile identifier value.’ The Applicant respectfully requests that the Examiner withdraw the objection.

CLAIM REJECTIONS – 35 U.S.C. § 112

In Sections 4 and 5 of the August 23, 2007 Office Action, the Examiner rejected Claims 14-23 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter. Specifically, Claims 14-23 recite “the method” and the

Examiner asserted that there is insufficient antecedent basis for the limitation. The Applicant respectfully traverses the rejection.

There are two separate requirements under 35°U.S.C. § 112, second paragraph. MPEP § 2171, p. 2100-209 (8th ed., rev. 5, August 2006). The first is subjective and requires that the claims must set forth the subject matter that the *Applicants* regard as their invention. *Id.* The second is objective and requires that the claims must particularly point out and distinctively define the metes and bounds of the subject matter that will be protected by the patent grant (*i.e.*, whether the scope of the claim is clear to one of ordinary skill in the art). *Id.* at 2100-210. The Examiner should explain whether the rejection is based on indefiniteness or on the failure to claim what the Applicants regard as their invention. *Id.* (citing *Ex parte Ionescu*, 222 U.S.P.Q. 537, 539 (Bd. App. 1984)).

The Applicant directs the Examiner's attention to the preamble of independent Claim 13, reproduced here:

13. For use in a wireless network comprising: i) a first base station that wirelessly communicates with a source mobile station (MS), ii) a second base station that wirelessly communicates with a destination mobile station (MS), and iii) a mobile switching center that connects the first and second base stations, a method of providing a MS-MS packet data call connection between the source mobile station and the destination mobile station comprising the steps of: (*Emphasis added*)

Claim 13 is thus directed to a method and Claims 14-23 depend from Claim 13. As such, it is the method recited in Claim 13 that provides the antecedent basis for the recitation in Claims 14-23 of "the method."

Accordingly, the Applicant respectfully requests that the Examiner withdraw the § 112 rejection.

CLAIM REJECTIONS – 35.U.S.C. § 102

In Section 7 of the August 23, 2007 Office Action, the Examiner rejected Claims 1-6 and 13-18 under 35 U.S.C. §102(b) as being anticipated by U. S. Patent No. 6,317,609 to *Alperovich, et al.* (hereafter, “Alperovich”). The Applicant respectfully traverses the rejection.

Independent Claim 1 has been amended to recite a wireless network that includes a first base station, where the first base station initiates establishment of a connection with a second base station on a local Internet Protocol (IP) network by transmitting an IP address of the first base station. The Applicant submits that Alperovich does not describe such a network.

Claim 4, depending from Claim 1, recites the first base station of Claim 1 sending a message that contains a phone number associated with a destination mobile station and an IP address of the first base station. In rejecting Claim 4, the Examiner indicated that Alperovich describes such a base station in Figure 4, items 358 and 428, and in column 5, lines 10-57. The Applicant respectfully submits that Alperovich does not describe a base station that initiates establishment of a connection with a second base station on a local IP network by transmitting an IP address of the first base station in the cited passages or in any other portion of the reference.

Alperovich describes a telecommunication system and method for sending a digital image from a mobile station to a receiving terminal, where the digital image is sent through the Internet in parallel to a second message that is sent through a cellular or fixed network. *See Alperovich, col. 3, lines 32-42.* The digital image and the second message are assigned reference identifiers (reference

characters 358 and 425, respectively) to correlate the messages upon receipt at the receiving terminal.

See Alperovich, col. 4, line 64, to col. 5, line 9. As such, reference character 358, relied upon by the Examiner, does not identify an IP address of a first base station, sent to initiate establishment of a connection with a second base station on a local IP network.

Reference character 428 of Alperovich is the B-number, or directory number, of the called receiving terminal. *See Alperovich, col. 4, lines 61-64.* Therefore, neither does reference character 428, relied upon by the Examiner, identify an IP address of a first base station, sent to initiate establishment of a connection with a second base station on a local IP network.

Finally, column 5, lines 10-57, of Alperovich describe the routing of the digital image message and the second message through the Internet and the cellular network, respectively, by the system of Alperovich. The Applicant submits that nowhere in the cited passage, or in the rest of Alperovich, is described a base station that initiates establishment of a connection with a second base station on a local IP network by transmitting an IP address of the first base station, as recited in amended Claim 1.

As such, Claim 1 is patentable over the cited reference. Amended independent Claim 13 recites limitations analogous to the novel and non-obvious limitations recited in Claim 1 and, therefore, also is patentable over the cited reference. Claims 2-12 and 14-23 depend from Claims 1 and 13, respectively, and include all the limitations of their respective base claims. Therefore, Claims 2-12 and 14-23 also are patentable over the cited reference.

CLAIM REJECTIONS – 35.U.S.C. § 103

In Section 9 of the August 23, 2007 Office Action, the Examiner rejected Claims 7-12 and 19-23 under 35 U.S.C. §103(a) as being unpatentable over the Alperovich reference in view of U. S. Patent Application Publication No. 2003/0119518 to *Cleveland, et al.* (hereafter, “Cleveland”).

As argued in traversing the § 102 rejection of Claims 1 and 13, Alperovich fails to describe all the limitations of Claims 1 and 13. The Applicant respectfully submits that Cleveland does nothing to overcome the shortcomings of Alperovich. Claims 7-12 and 19-23 depend from Claims 1 and 13 and include all the limitations of their respective base claims. As such, the combination of Alperovich and Cleveland fails to describe all the limitations of Claims 7-12 and 19-23 and Claims 7-12 and 19-23 are therefore patentable over the cited references.

The Applicant also disagrees with the Examiner’s rejections of Claims 1-23 based on additional misdescriptions and/or misapplications of the Alperovich and Cleveland references to at least some of Claims 1-23. However, the Applicant’s arguments regarding those other shortcomings of the Alperovich and Cleveland references are moot in view of the arguments above. The Applicant reserves the right to dispute in future Office Action responses the appropriateness and the applications of the Alperovich and Cleveland references to the claims of the present application, including the right to dispute assertions made by the Examiner in the August 23, 2007 Office Action.

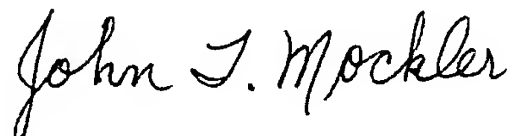
SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of the pending claims and that this application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@munckbutrus.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK BUTRUS CARTER, P.C.



John T. Mockler
Registration No. 39,775

Date: December 10, 2007

P.O. Drawer 800889
Dallas, Texas 75380
Phone: (972) 628-3600
Fax: (972) 628-3616
E-mail: *jmockler@munckbutrus.com*